

COMPARISON OF ASSEMBLY BILL 129 PROTOCOLS

All references herein to “WIC” refer to the Welfare and Institutions Code

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Agency model	Lead agency model	Either (1) On-Hold Model with subcomponents of lead agency OR (2) Concurrent Service and Case Plan Model	No predetermination of which model to use – both On-Hold and Lead Agency are possibilities; staff from both agencies examine the WIC, § 241.1 Joint Assessment information and determine which model to use	Lead Court / Lead Agency Model – the assisting agency’s jurisdiction over the child is suspended so that at any one time only one agency has active jurisdiction (so as not to duplicate services)	Lead Agency / Lead Court Model
Emphasis placed on collaborative efforts between Probation and Child Protective Services (CPS)	Lead agency really takes charge of the case; however, the lead and assisting agencies are supposed to work together to create an appropriate case plan for the minor	Strong emphasis – Ex. Joint reports, joint <u>in-person</u> conference	Each department must provide training to the other in regard to the agreement and its data system	Clear procedure outlined for cases where the minor’s safety may be compromised by staying in Juvenile Hall or local children’s shelter; Agencies are to work together to determine the least restrictive and most secure environment for the child in such a situation	The lead agency must conduct a joint assessment and work with staff from both CPS and Probation Dept. to determine which is most appropriate to provide services to the child at that time
How hearings for dual status youth	Joint dependency/ wardship hearings are	Dependency lead cases are calendared		The court will conduct joint	If the Probation Dept. is

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are calendared	<p>conducted for dual status minors</p> <p>The lead agency is responsible for preparing a single report for the hearing, but both agencies must attend the hearing</p>	<p>in the Dependency Court while Delinquency lead cases are calendared in the Delinquency Court</p> <p>Concurrent jurisdiction cases are calendared in the Dependency Court</p>		<p>dependency/wardship hearings for dual status minors</p> <p>The lead agency will be responsible for preparing a single report for the joint hearing; The assisting agency may prepare supplemental reports</p>	<p>determined to be the lead agency, then the delinquency court will be the lead court; If Department of Public Social Services (DPSS) is determined to be the lead agency, then the dependency court will be the lead court</p>
Requirements for dual status eligibility	<p>Minor must not have been removed from their home</p>				<p>Youth who are placed in Riverside County by other outside county agencies are NOT eligible</p>
Process involved in declaring dual status OR switching lead agency	<p>Agencies must agree that dual status is appropriate for the court to order dual status</p> <p>Only children who have not been removed are eligible</p>	<p>WIC, § 241.1 protocol continues to be the process of identification for Dual Jurisdiction; The Children's Research Center Model of Structured Decision Making</p>	<p>Clear criteria given for principal guidelines both in filing a delinquency petition and in filing a dependency petition</p> <p>Allows Child &</p>	<p>In order for the assisting agency to assume the lead role, a petition must be submitted to the court</p> <p>Protocol report may be done orally unless</p>	<p>The lead court will have the final say on the termination or modification of dual status. Statements of the DA, defense counsel, social</p>

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE
	<p>for dual status</p> <p>Court may determine that a change in lead agency is appropriate if both agencies consult and present this to the juvenile court</p> <p>If one agency determines that the youth should be removed from their home, then they must file a petition with the court and the court will then terminate the jurisdiction of the nonfiling agency</p>	<p>and/or the Placer County Probation Risk Assessment in order to make decisions about the delivery of service and intervention.</p> <p>When a child enters either system, the caseworker must contact the alternate agency and determine if the minor has had a history with the alternate agency.</p> <p>The detention report should include a recommendation to the court as to the length, level, and extent of the Delinquent or Child Welfare involvement and the need for possible WIC, § 241.1 handling</p>	<p>Family Services to immediately take custody of a child who is being held in juvenile hall without a WIC, § 602 petition being filed when the child is better suited for a community Service Agency</p>	<p>the court specifies otherwise. If required to be in writing, then both Probation and CPS must sign the report</p>	<p>worker, County Counsel, and probation officer will all be submitted to the lead court to assist in this determination</p> <p>If the initial petition is based on a WIC, § 602 petition, then the PD's office will represent the minor. If a WIC, § 602 case exists and a WIC, § 300 petition is filed to create dual status, then the JDP (Juvenile Defense Panel) will be appointed to represent the minor and the minor's family</p>

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE
		The court will make the final determination of whether dual jurisdiction should be granted			
Interagency conflict resolution process	If the heads of CPS and the Probation Dept. are unable to agree, then the dispute will be elevated to the Multi-Agency Policy Committee.	<p>If conflict arises as to which agency should be the lead and the managers cannot reach a resolution, the case will be referred to the System Management Advocacy Resource Team (SMART) for a WIC, § 241.1 formal SMART Management Team (SMT) review.</p> <p>If conflict arises as to the services to be provided, the case should first be reviewed in a team conference with Children's System of Care (CSOC) and the Probation</p>	<p>Interagency conflict should be solved by moving up the chain of command in both agencies</p> <p>Emphasis is placed on solving issues at lowest staffing level possible</p>	Interagency conflict should be solved by moving up chain of command and ultimately ending in filing separate reports with the court	Interagency conflict should be resolved by moving up the chain of command

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE
		Supervisor. If the supervisors cannot agree, the case should be referred to CSOC SMT for review.			
Confidentiality issues around information sharing between agencies	Not mentioned	Not mentioned	Under WIC, § 241.1 the court, community service agency, and probation shall exchange information about a child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both orally and by providing photocopies, as needed, of each other's case file	Not mentioned	Not mentioned
One judge /one attorney – required?	Aims to have one judge handle case; however, accepts that this may not be possible	Mandates one judge for each case Strives for single-attorney model	Strives for single-attorney model	If there is more than one judge handling a dual-status case, then they must communicate in regard to the case	Details the legal responsibilities of attorneys representing dual-status youth; however,

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE
				Single-attorney model should be used unless it would be detrimental to the minor or be inappropriate to do so	no mention of one judge / one attorney requirement
Lead Agency/Caseworker Responsibilities	The lead agency is responsible for case management, visiting the minor monthly, scheduling court hearings, preparing court reports, and providing services to the minor and the minor's family	<p>Monthly in-person meetings are required of case-workers</p> <p>Clear outline of responsibilities for individual caseworkers with dual jurisdiction youth</p>	Reports are prepared by one of the two agencies; the receiving agency must have reviewed and signed the report	Joint dependency / wardship hearings should be held for dual-status youth, and the lead agency should prepare a single court report for the hearing; The assisting agency may prepare supplemental reports	<p>Clear criteria provided for the lead and assistant agencies</p> <p>Clear procedures and responsibilities for persons preparing the WIC, § 241.1 Joint Assessment Report are provided</p> <p>Clear criteria provided for the notice (in and out of county) and distribution of the Joint Assessment Report</p>

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE
Provisions for reassessing the protocol	As may be required by WIC, § 241.2 and/or the Judicial Council, CPS and Probation shall collect, compile, and report data to evaluate the protocol, and shall utilize any required data collection and evaluation procedures	Under Administrative Office of the Courts requirements, data will be collected and maintained by administrative support staff at Children's System of Care	The parties shall conduct a joint evaluation of the protocol once every two years from the effective date of September 1, 2005	As may be required by WIC, § 241.2 and/or the Judicial Council, CPS and probation shall collect, compile, and report data to evaluate this protocol and shall utilize any required data collection and evaluation procedures	The plan to collect data to evaluate the protocol will follow the Judicial Council requirements
Other specifications	Distinguishes between (1) dual-status minors, (2) potential dual-status minors, (3) special-status minors	Emphasis on keeping dual-jurisdiction case planning family-centered	Emphasis placed on respecting the confidentiality of those receiving Child Welfare Services		Most comprehensive protocol by far Specifies housing of dual-status youth shall be in compliance with WIC, § 16514(b) and §16514(c) (Emergency Shelter Statutes) Provides county liaisons for counties in Southern California